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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,693	10/30/2000	Michael L. Howard	1351 P	7042

21552 7590 11/19/2003

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EXAMINER
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PATEL, NITIN C

ART UNIT	PAPER NUMBER
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2185

DATE MAILED: 11/19/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/699,693

Applicant(s)

HOWARD ET AL.

Examiner

Nitin C. Patel

Art Unit

2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 and 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. Claims 1 – 20 are presented for the examination.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Tang et al. [hereinafter as Tang], US 2001/0041943 A1.

4. As to claims 1, and 10, Tang discloses a system and method for remote in system programming of device [remote system] over pager network [wireless network, a radio channel, fig. 2] comprising:

- a. a communication port[602, antenna];
- b. a data transceiver [601];
- c. a processor [605, microprocessor] for communicating over the communication port [602];
- d. reprogrammable memory [609, EPROM] programmed with instructions to cause the device to receive new program code from the pager network [wireless network, a radio channel] and reprogram the memory with the new program code [programming signals are transmitted through an antenna][para 006, 0007, 0008, page 1; para 0023, 0028 on page 2].

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5. As to claim 6, Tang discloses a portable and handheld device capable of communications over a pager network [[wireless network, a radio channel]and device being remotely reprogrammable [in-system programmable system which can be reprogrammed by remote access, para 0006 on page 1] reprogrammed by remote device] over the pager network [wireless network, a radio channel] to acquire new [updated] functionality:

- a. a substantially closed housing [it is inherent to cellular system];
- b. a data transceiver [601];
- c. an antenna [602];
- d. a single-board computer located inside a housing [it is inherent to cellular system] comprising:
  - (i) a microcontroller [600] that includes a processor [605, microprocessor], RAM [607 ], and Flash memory [609, EPROM];
  - (ii) a serial port [804]
  - (iii) a serial transceiver [it is inherent to the system with serial port for serial communication];
  - (iv) a serial connection [404, TXD, RXD];
  - (v) instructions stored in flash memory [609, EPROM]to cause the single board computer to receive new program code [programming signal received through antenna] from pager network through the data transceiver board and to reprogram flash memory with new program code such that once reprogrammed the device has new [upgraded] functionality para 006, 0007, 0008, page 1; para 0023, 0028 on page 2][fig. 7, 8].

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6. As to claim 15, Tang discloses a portable device that is reprogrammable through a pager network [wireless network, a radio channel], the device comprising:

- a. means for processing [605, microprocessor];
- b. means for communicating [602, antenna] with pager network [wireless network, a radio channel]; and
- c. means for [program instructions in EPROM]causing the device to receive new program code from the pager network [wireless network, a radio channel] through the means for communicating with pager network and to reprogram the means for storing data [609, EPROM] with new program code [updated] to give the device new functionality [upgraded][para 0006, 0008, fig. 6].

7. As to claims 2, and 11, Tang discloses a serial port [804, serial port] for connecting the device to another electronic device [fig. 8].

8. As to claims 3, 7, 12, and 16, the electronic device is enclosed in a plastic snap-fit enclosure [it is inherent to cellular device].

9. As to claims 4 - 5, 13 - 14, and 17, Tang discloses a single board computer [fig. 8].

10. As to claim 18, Tang discloses the means for processing comprises a microcontroller [801, microprocessor]

11. As to claims 8 - 9, and 19 - 20, it is inherent to microcontroller [microprocessor core] to have 8 - bit or 16 bit data.

### ***Conclusion***


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin C. Patel whose telephone number is 703-305-3994. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 703-305-9717. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nitin C. Patel  
November 12, 2003



THOMAS LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100